

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CIVIL ACTION NO. 3:06CV285BA

**101 GOLDING BOULEVARD, VICKSBURG,
WARREN COUNTY, MS, A parcel of real
property located at 101 Golding Blvd.,
Vicksburg, Warren County, MS with all
appurtenances, improvements, and fixtures
thereon and all proceeds thereof, and personal
property**

DEFENDANT

**BANCORPSOUTH BANK and J. PATRICK
CALDWELL, TRUSTEE**

RESPONDENT

**WYETH, ROBERT C. ARLEDGE, BETTY
ARLEDGE, JEANETTE LEADBETTER**

CLAIMANTS

ORDER

This matter came before the court on the Motion to Intervene filed by Cheryl Arlott, Sue Ann Kolarik and Sherry Landriault, pursuant to Fed. R. Civ. P. Rule 24. This is a civil forfeiture action, brought in accordance with 18 U.S.C. §§ 981 and 983, against property owned by Robert C. Arledge. In support of their Motion to Intervene, the movants claim that they are “the proper parties to whom restitution is owed as a result of the alleged wrongdoing of Robert C. Arledge.” They base this claim on their status as former clients of Arledge, who have sued him in this court for alleged wrongdoing in connection with the distribution of settlement proceeds from a products liability case.

The court has reviewed the Motion and is of the opinion that it should be denied. The movants have cited no authority, and the court is not aware of any, that permits intervention by way of Rule 24 in an civil forfeiture proceeding. Instead, the process by which one becomes a party to

such a proceeding is set out in the Supplemental Rules for Certain Admiralty and Maritime Claims, Rule C(6). *See* 18 U.S.C. 983(a)(3)(A). Moreover, the movants have established, at most, that they are potential judgment creditors of Arledge, which is not a sufficient interest in the property in question to confer standing to raise a claim in this action. *United States v. Peoples Benefit Life Ins. Co.*, 271 F.3d 411, 415-17 (2nd Cir. 2001); *United States v. Premises Known as 2171-73 Bennett Road*, No. 91-4896, 1991 WL 236893 (E.D. Pa. 1991).

IT IS, THEREFORE, ORDERED that the Plaintiffs' Motion to Intervene is hereby **denied**.

IT IS SO ORDERED, this the 29th day of January, 2007.

S/Linda R. Anderson

UNITED STATES MAGISTRATE JUDGE